



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

NOV 29 2004

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. Sam Reeder
Quality Consultant
Marsulex
5755 Park Center Court
Toledo, OH 43615-1479

Ref. No. 04-0251

Dear Mr. Reeder:

This responds to your October 25, 2004, letter requesting further clarification of shipping paper requirements applicable to bulk shipments of a residue of hazardous material under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for further clarification of shipper's responsibilities, including shipping paper retention, regarding a bulk shipment of residue.

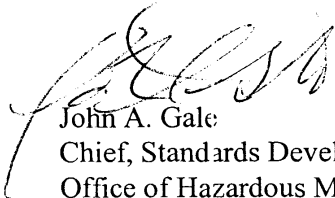
Your letter presents two scenarios for shipment of bulk containers that contain a residue of a hazardous material back to the original shipper. In the first scenario, you receive a bulk shipment, unload the bulk container, and ship the container back to the original shipper. In the second scenario, you receive a bulk shipment in a cargo tank motor vehicle (CTMV); the driver of the CTMV unloads the cargo tank and then returns to the original shipper with a residue remaining in the cargo tank.

In your first scenario, you are the person offering the residue shipment for transportation to the original shipper and, thus, are responsible for compliance with applicable HMR requirements for the shipment. You must retain a copy of the shipping paper you prepare to accompany the residue shipment.

In the second scenario, you are not the person offering the residue shipment for transportation to the original shipper; thus, you need not retain a copy of the shipping paper. In this case, the carrier may use the original shipping paper for the return trip to the original shipper. The original shipper and the carrier must retain copies of the shipping paper.

I hope this further answers your inquiry.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



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173-29(6)

MARSULEX

Mr. John A. Gale, Chief, Standards Development
Office of Hazardous Materials Standards
U.S. Department of Transportation, RSPA
400 Seventh St., S.W.
Washington, D.C. 20590

Boothe
§173.29(b)
Residue
04-0251

October 25, 2004

Ref. No. 04-0187

Dear Mr. Gale:

Thank you for your response of October 13, 2004 related to my letter of August 10, 2004.

Please clarify a bit further the shipper's responsibilities in the case of a residue shipment. Specifically:

- If I receive a bulk shipment of hazardous material, unload the container leaving a residue and release the bulk container for shipment back to the original shipper am I considered to be the person "who offers a hazardous material for transportation?" If not who is that person?
- If the answer is yes to the above question (i.e. I, the receiver of the bulk shipment, become the shipper of the residue) then am I required to retain a copy of the original shipping paper, a copy of the original shipping paper marked as residue or in this instance am I not required to retain the shipping paper?
- Would the same answer hold for a cargo tank that is unloaded at my plant by the carrier who then leaves the plant with a residue containing cargo tank?

I hope that my letter is clearer this time and that you will be able to understand my convoluted question.

Sincerely,



Sam Reeder, PhD
Quality Consultant

CC: D. Abbott

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